

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

FILED

2022 SEP 12 P 1:08

IN RE:)
)
\$82,000.00 U.S. CURRENCY) Case No. 1:22-mc- 21 CMH/WEF
)
AND)
)
MISCELLANEOUS JEWELRY)

**UNITED STATES' MOTION FOR EXTENSION OF TIME
TO FILE COMPLAINT FOR FORFEITURE**

COMES NOW the United States of America, by counsel, as authorized by 18 U.S.C. § 983(a)(3)(A), and moves the Court to extend the time in which the United States is required to file a complaint for forfeiture and/or to obtain an indictment alleging forfeiture. In support of this motion, the government states as follows:

1. On March 3, 2022, the United States Postal Inspection Service executed a search warrant at a residence on Tysons Central Street in McLean, Virginia, and seized \$82,000 in U.S. currency and miscellaneous jewelry on probable cause that this property constituted fraud proceeds.
2. On June 1, 2022, the United States Postal Inspection Service sent written notice of intent to forfeit required by 18 U.S.C. § 983(a)(1)(A) to all known interested parties;
3. On June 16, 2022, counsel for claimant George Mensah filed an administrative claim with the United States Postal Inspection Service in the administrative forfeiture proceedings with respect to the \$82,000.00 U.S. currency and miscellaneous jewelry seized from an apartment located on Tysons Central Street in Alexandria, Virginia, on March 3, 2022.
4. The time has expired for any other person to file a claim to the property under 18

U.S.C. § 983(a)(2)(A)-(E), and no person other than the claimant has filed a claim to the property as required by law in the administrative forfeiture proceeding;

5. Under 18 U.S.C. § 983(a)(3)(A), the United States is required to file a complaint for forfeiture against the property and/or to obtain an indictment alleging that the property is subject to forfeiture within 90 days after a claim has been filed in the administrative forfeiture proceedings, which would make the deadline in this case September 14, 2022, unless the Court extends the deadline for good cause shown or by agreement of the parties.

6. As provided in 18 U.S.C. § 983(a)(3)(A), the United States wishes to extend the time in which it is required to file a complaint for forfeiture against the property and/or to obtain an indictment alleging that the property is subject to forfeiture.

7. The closely related criminal investigation is still ongoing. Specifically, the United States is still waiting for information requested from a number of financial institutions and agents are reviewing a number of electronic devices. The United States is also waiting for the return of information from third parties pursuant to grand jury subpoenas, including several jewelers. The government offers as government Exhibit 1 the declaration of Postal Inspector Carl Swanson detailing the process of the criminal investigation.

8. Given that there is an ongoing criminal investigation, there is good cause to extend the deadline. See United States v. Funds in the Amount of Fifteen Thousand Dollars, 2006 WL 1049663, *2 (N.D. Ill. 2006) (noting that an ongoing grand jury investigation is “good cause” for granting an extension of the 90-day deadline under § 983(a)(3)(A)). Without an extension, the United States will be required to file a civil complaint previewing the criminal case, which risks jeopardizing an ongoing investigation. See In re: One 1990 Beechcraft 1900C Twin Engine TurboProp Aircraft, No. 08-mc-61053- UNASSIGNED (S.D. Fla. Aug. 7, 2008)

(granting Government's motion for extension of time supported by sealed declaration of agent on the ground that having to recite the facts of the case in the complaint could jeopardize an ongoing investigation). The government acknowledges that it could file a civil complaint and ask the court to stay the civil case while the criminal case is ongoing. However, that does not cure the government's concern that the filing of the civil complaint will jeopardize an ongoing criminal investigation. See United States v. \$140,000 in U.S. Currency, 2007 WL 2261650 (E.D.N.Y. 2007) (noting that "good cause" includes concern that the civil case will adversely affect a criminal investigation; that the Government had the option of filing the complaint and moving for a stay is no reason for the court not to grant an extension of time under § 983(a)(3)(A)).

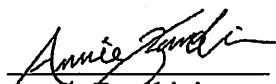
9. For the foregoing reasons, the United States submits there is good cause for an extension in this case, and therefore is requesting to extend the time by 6 months for which the United States must file a forfeiture action against the subject assets.

As set out in the attached proposed stipulation and order, the United States submits that there is good cause that the deadline by which the United States shall be required to file a complaint for forfeiture against the property and/or to obtain an indictment alleging that the property is subject to forfeiture should be extended from September 14, 2022, to March 14, 2023.

WHEREFORE, the United States of America respectfully requests that this Honorable Court enter the proposed Order Extending United States' Time to File Complaint for Forfeiture and/or Obtain Indictment Alleging Forfeiture to March 14, 2023, in accordance with this Motion.

Respectfully submitted,
Jessica D. Aber
Acting United States Attorney

By:


Annie Zanobini
Assistant United States Attorney
California Bar No. 321324
Attorney for the United States
2100 Jamieson Avenue
Alexandria, Virginia 22314
Office Number: (703) 299-3903
Facsimile Number: (703) 229-3982
Email Address: annie.zanobini2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that, on the 12th day of September 2022, notice was served on David Smith, Counsel for Claimant George Mensah, 108 North Alfred Street, 1st Floor, Alexandria, VA 22314, dbs@davidbsmithpllc.com.

By: /s/Annie Zanobini
Annie Zanobini
Assistant United States Attorney
California Bar No. 321324
Attorney for the United States
2100 Jamieson Avenue
Alexandria, Virginia 22314
Office Number: (703) 299-3903
Facsimile Number: (703) 229-3982
Email Address: annie.zanobini2@usdoj.gov